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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,794	07/06/2001	Fusahiko Hasegawa	22230/1	6818
21874	7590	02/27/2006	EXAMINER	
EDWARDS & ANGELL, LLP			JONES, HEATHER RAE	
P.O. BOX 55874			ART UNIT	
BOSTON, MA 02205			PAPER NUMBER	

2616

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/900,794	HASEGAWA ET AL.	
	Examiner	Art Unit	
	Heather R. Jones	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).
2. The drawings are objected to because in Fig. 3, reference character "22" should be labeled --Signal I/O Unit-- instead of "Signal I/O Terminal".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8-11, 13-18, and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishii et al. (U.S. Patent 5,745,640).

Regarding claim 1, Ishii et al. discloses a recording apparatus for storing a motion picture having image data, the recording apparatus comprising: a recording unit including an image storage area portion and an index area portion (col. 5, lines 51-56; col. 6, lines 38-40); an image writing unit which sequentially writes the image data of the motion picture into the image storage area portion of the recording unit (col. 5, lines 51-56); an address writing unit which writes an address for addressing a first image data of the motion picture into the index area portion of the recording unit as a start address of the motion picture (col. 8, lines 18-21; col. 10, lines 43-47); and a memory in which an address for addressing a last image data which has been stored into the image storage area portion of the recording unit is stored (col. 9, lines 51-53; col. 10, lines 55-57).

Regarding claim 2, Ishii et al. discloses all the limitations as previously discussed with respect to claim 1 including that each time the image writing unit has written the image data into the image storage area portion, the address writing unit rewrites an address of the newly stored image data over the address presently stored in the memory (col. 20, lines 53-59).

Regarding claim 3, Ishii et al. discloses all the limitations as previously discussed with respect to claim 1 including that the address writing unit rewrites the address each time the image data of one frame has been stored in the image storage area portion (col. 20, lines 53-59).

Regarding claim 4, Ishii et al. discloses all the limitations as previously discussed with respect to claim 1 including that the flag data which indicates whether an end address for addressing the last image data of the motion picture is written or not into the index portion is stored in the memory (col. 9, lines 51-55).

Regarding claim 5, Ishii et al. discloses all the limitations as previously discussed with respect to claims 1 and 4 as well as further disclosing an index confirming unit which checks, based on the flag data, whether the end address for addressing the last image data of the motion picture is written or not into the index area portion (col. 9, lines 51-55 - it is inherent that if there a flag making it possible to always detect any program end address then there has to be a confirming unit that checks the flag).

Regarding claim **6**, Ishii et al. discloses all the limitations as previously discussed with respect to claims 1, 4, and 5 as well as disclosing that upon turning on the recording unit after the recording unit is turned off once, the index confirming unit checks whether the end address is written or not into the index area portion (It is inherent that once the unit is turned off and turned back on the end address of the video will be checked to determine if recording has been completed. This can be done two different ways, one by checking the address flag (col. 9, lines 51-55) and one by checking the recording completed flag (B3) (col. 10, line 62 – col. 11, line 1).

Regarding claim **8**, grounds for rejecting claim 4 apply in for claim 8 in its entirety.

Regarding claim **9**, Ishii et al. discloses all the limitations as previously discussed with respect to claims 1 and 8 including that the index area portion has an area where the end address of the motion picture is stored (Fig. 6), and the recording unit stores the flag data into the area of the index area portion (Fig. 5).

Regarding claims **10** and **11**, grounds for rejecting claims 5 and 6 apply for claims 10 and 11 in their entireties.

Regarding claims **13-18** and **20-23**, these are method claims corresponding to the apparatus claims 1-6 and 8-11. Therefore, claims 13-18 and 19-23 are analyzed and rejected as previously discussed with respect to claims 1-6 and 8-11, respectively.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 12, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. as applied to claims 1 and 13 above.

Regarding claim **7**, Ishii et al. discloses all the limitations as previously discussed with respect to claims 1, 4, and 5 including that the index confirming unit confirms that the end address is not written in the index area portion, the address writing unit writes the address thus stored in the memory as the end address into the index area portion (it is obvious to write the end address stored in the memory into the index area portion if the end address is not written because an end address is needed in order to clarify the end point of the image sequence).

Regarding claim **12**, grounds for rejecting claim 7 apply in for claim 12 in its entirety.

Regarding claims **19** and **24**, these are method claims corresponding to the apparatus claims 7 and 12. Therefore, claims 19 and 24 are analyzed and rejected as previously discussed with respect to claims 7 and 12, respectively.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Nakagawa (U.S. Patent 6,246,829) discloses a recording apparatus that records the start and end address along with being able to overwrite the addresses.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Art Unit: 2616

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Heather R Jones  
Examiner  
Art Unit 2616

HRJ  
February 9, 2006

**MEHRDAD DASTOURI**  
**SUPERVISORY PATENT EXAMINER**

*TC 2600*  
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